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UNDP: activities for 2010

Report of the Ethics Office

Summary

This third report of the UNDP Ethics Office covers its activities from 1 January to 31 December 2010. Pursuant to Secretary-General's Bulletin on *United Nations system-wide application of ethics: separately administered organs and programmes* (ST/SGB/2007/11), it is submitted to the Administrator. Moreover, as required by this Bulletin, the United Nations Ethics Committee reviewed the report at its twenty-seventh session on 15 February 2011. Pursuant to the Executive Board decision 2008/37, paragraph 10, the report is also submitted to the Executive Board.

As forecasted in its Action Plan, in 2010 the Ethics Office focused on institutionalizing its work within UNDP. For the Office, institutionalization is a process by which ethical considerations permeate decision-making, both at the corporate and at individual levels. It is a process that complements the overall shift in corporate direction towards a more knowledge-based organization.

The ever-increasing number of requests for services suggests that such institutionalization may be occuring. Established on 1 December 2007, the Ethics Office received 186 requests for services in 2008, 392 in 2009, and 483 in 2010. There was a dramatic increase in the number of requests from 2008 to 2009 (110 per cent) and a smaller increase from 2009 to 2010 (23 per cent).

Elements of a decision

The Executive Board may wish to take note of this report and comment on the progress of the work of the Ethics Office.

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I. Introduction

1. The Ethics Office concentrated on institutionalizing its work in 2010, the third year of its operations. In 2010, the Office received 483 requests for services. This number is an increase of 23 per cent from 2009 (392 requests), which itself was an increase of 110 per cent from 2008 (186 requests).[1] Slightly more women than men continue to make requests. The Ethics Office initiatives in 2010, in collaboration with those of other offices, are summarized below.

(a) *Standard-setting and policy support.* The Ethics Office continued to worked on harmonizing the application by UNDP of the United Nations standards of conduct, as well as of United Nations system policies regarding financial disclosure and protection against retaliation. With other units in UNDP, the Office clarified standards (e.g. regarding the handling of gifts), updated policies (e.g. the anti-fraud policy), and provided substantive inputs for new policy initiatives (e.g. one-time review of contracts, vetting recommended candidates for key oversight positions and so forth).

(b) *Training and outreach activities.* In tandem with UNDP becoming more of a knowledge-based organization, the Office stressed values-based ethics workshops while maintaining the rules-based online course and roles-based briefings. Since its launch more than 10,000 UNDP personnel have completed the online course. In 2010, more than 1,000 personnel have participated in ethics workshops and more than 600 in briefings. (In some sessions, individual contractors of UNDP and the staff and personnel of other United Nations organizations were included.) The peer ethics trainer network grew to 19 members.

(c) *Confidential advice.* There were 270 requests for advice. This continued the trend of increasing requests in this area and surpassing other types of requests. As in 2009, advice regarding outside activities continues to be the biggest category.

(d) *Financial disclosure.* The Ethics Office and the Office of Information Systems and Technology (Bureau of Management) held the fourth annual filing exercise. Among the 1,473 staff designated to file, 99 per cent complied. With concerted communication efforts and previously disclosed statements made available online, there was a dramatic decrease in queries about filing. The Office continued to review submitted data and sent out clearance messages to those filers for whom no conflicts of interest had been detected. With the Office of Human Resources (Bureau of Management), the Ethics Office also began preparations for induction filing. Entrants to filing categories of staff will be required to submit a financial disclosure statement or a declaration of interest statement to the Ethics Office within 60 calendar days of entering on duty.

(e) *Protection against retaliation.* The Ethics Office reviewed six complaints of retaliation and three requests for related advice. The Office uses training and outreach activities to raise awareness and clarify understanding of this policy.

2. The Ethics Office undertook these activities to fulfill its overall mandate: "to cultivate and nurture a culture of ethics, integrity and accountability, and thereby enhance the trust in, and the credibility of, the United Nations, both internally and externally"[2]

[1] All references to activities of the Ethics Office in 2008 cover a 13-month period from 1 December 2007 to 31 December 2008.

[2] ST/SGB/2007/11: United Nations system-wide application of ethics: separately administered organs and programmes, paragraph 1.1.

II. Administrative activities

3. The Ethics Office implemented its 2010 work plan with a slightly smaller team than had been reported in 2009.[3] The allocation of $200,000 for the general operating expenses remained the same, with an exceptional one-time addition of $53,900 for the electronic financial disclosure filing platform. The Ethics Office team continued with professional development activities and started developing an operations manual.

4. The Executive Board enhanced the independence of the Office in its decision 2010/17. The decision confirmed current practices, establishing term limits for the head of the Office and prohibiting future employment with UNDP. The Associate Administrator gave greater visibility to the Office by giving the head observer status at the meetings of the Operations Group, a senior management body.

5. In carrying out its work, the Ethics Office took cue from the vision articulated by the Administrator at a February 2010 senior management retreat:

> We agreed that one of UNDP's greatest strengths is our global network of country offices. We will measure our success by the extent to which we contribute to achieving real increases in human development in our partner countries. We aspire for UNDP to be a world class knowledge-based organization, which generates and disseminates knowledge at all levels, both internally and externally.

6. UNDP personnel — "knowledge workers" — should be regulated by an oversight regime, stressing ex ante advisory services and ex post lessons learned. Therefore, the Ethics Office used a values-based approach to the inculcation of a professional ethos. Such an approach is consistent with the emphasis on "knowledge, advisory and communication" corporate goals in the drive for a more efficient and results-driven organizational culture.

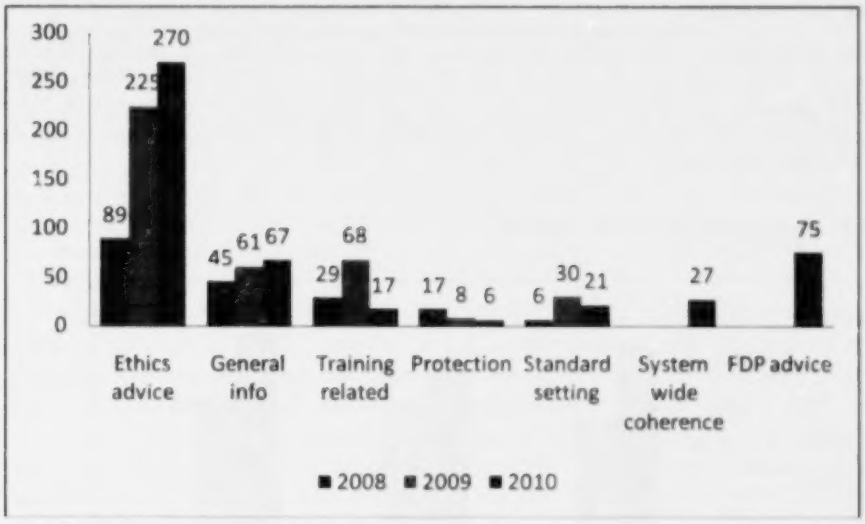
III. Mandated activities

7. The Ethics Office received 186 requests for services in 2008, 392 in 2009, and 483 in 2010. There was a dramatic increase in the number of requests from 2008 to 2009 (110 per cent) and a smaller increase from 2009 to 2010 (23 per cent). Figure 1 compares the breakdown of requests from 2008 to 2010.[4]

[3] See UNDP: activities for 2009, Report of the Ethics Office (DP/2010/26), paragraph 4. There was a subsequent reduction of one seasonal consultant for the financial disclosure help desk.

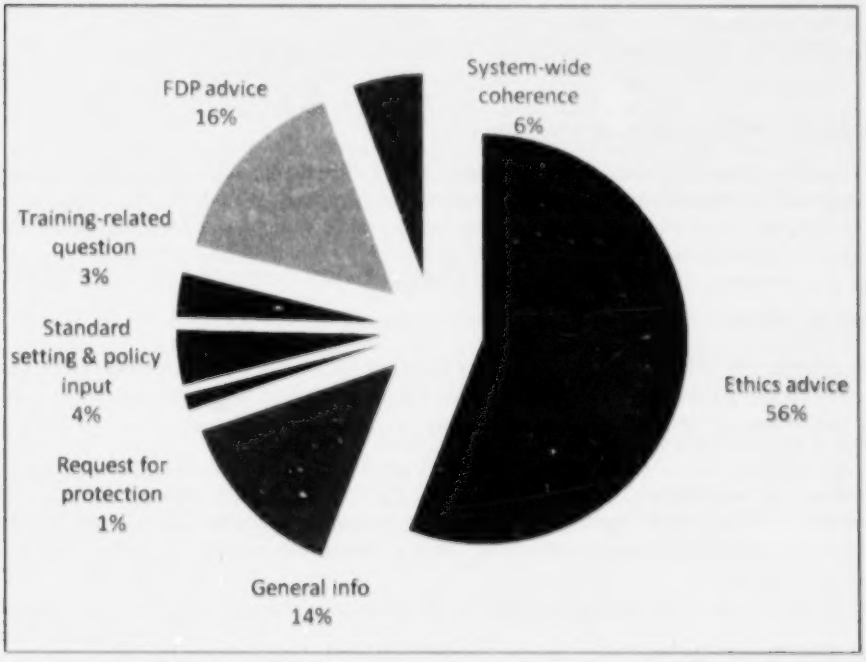
[4] Two new categories have been added for 2010: FDP advice (Financial Disclosure Programme advice, given following a review of financial disclosure statements) and system-wide coherence (exchange of information, policy interpretation and advice among ethics offices in the United Nations system for policy coherence and harmonization).

Figure 1. Comparison of numbers of requests



8. Presented in Figure 2 as percentages, the 483 requests received in 2010 have been classified as follows: ethics advice (270); FDP (Financial Disclosure Programme) advice (75); general information (67); request for protection against retaliation, (6); training-related (17); standard-setting and policy-input (21); and system-wide coherence (27).

Figure 2. Requests for 2010 by category

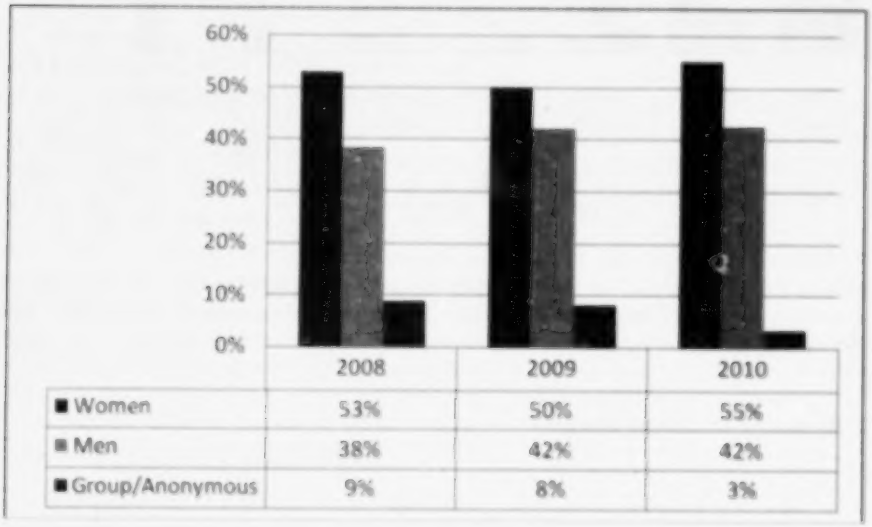


9. Two new categories of requests were introduced this year. "FDP advice" is the remedial and proactive advice that the Ethics Office provided, based on its review of the statements previously filed. "System-wide coherence" refers to the requests for information, policy

interpretations or ethics advice for common situations that are dealt with by the ethics offices in the United Nations system.

10. As in past reports, the number of requests has been analyzed by gender. The overall breakdown in 2010 remained consistent with that reported in 2009: more women than men making requests. Two hundred and sixty-five women sought advice as compared to 205 men. Thirteen requests were made by groups or anonymous persons. Figure 3 compares the gender breakdown from 2008 to 2010.

Figure 3. Comparison of gender breakdown[5]



	2008	2009	2010
Women	53%	50%	55%
Men	38%	42%	42%
Group/Anonymous	9%	8%	3%

A. Standard-setting and policy support

11. Reflecting the theme of institutionalization, the Ethics Office continued to contribute to deepening the knowledge of United Nations standards of conduct. At the system-wide level, the Office joined in activities to increase coherence and harmonization among United Nations agencies. Within UNDP, the Ethics Office and cooperating offices tried to consistently apply standards and provide uniform advice. The Office also continued with its communication activities.

United Nations system-wide

12. At the system-wide level, the Ethics Office took part in the creation of the United Nations Ethics Network. The agencies participating in the Network will meet once or twice per year.[6] The Network facilitates the exchange of successful practices and the promotion of peer review, among other activities.

13. The Office also participated in the finalization by the United Nations Ethics Committee of the policy framework for protection against retaliation. Consequently, the Ethics Office began a technical review of UNDP's "protection against retaliation" policy, taking into account the jurisprudence being

[5] The gender breakdown for 2008 is based on information collected from July to December, as it had not been systematically collected prior to this period.

[6] Participating agencies: United Nations Secretariat, UNDP, UNFPA, UNOPS, Food and Agriculture Organization of the United Nations, International Atomic Energy Agency, International Monetary Fund, International Telecommunication Union, Pan American Health Organization, Office of the United Nations High Commissioner for Refugees, United Nations Children's Fund, United Nations Relief and Works Agency for Palestine Refugees in the Near East, United Nations Educational, Scientific and Cultural Organization, United Nations Industrial Development Organization, Universal Postal Union, World Bank, World Food Programme, World Health Organization, World Intellectual Property Organization, World Meteorological Organization, World Trade Organization.

developed by the United Nations Dispute Tribunal and the United Nations Appeals Tribunal. Likewise, the Office was part of the comparison by the United Nations Ethics Committee of financial disclosure programmes. Informal surveys reviewed areas for further harmonization.

Within UNDP

14. At the UNDP level, the Ethics Office, in conjunction with the Bureau of Management, broadcast a message on handling gifts, honours and benefits. This message was based on consultations that were mentioned in the 2009 report. In addition, the Office contributed to substantive inputs by the Office of Human Resources on the movement of staff. The Ethics Office and the Bureau of Management Directorate initiated the update of the 2005 UNDP fraud policy. The Office of Audit and Investigations also took part in drafting the update. As part of the adoption process, the policy will be undergoing review by senior management.

15. The Ethics Office consulted on implementing Executive Board decision 2008/37 (recalled in decision 2010/17) to vet for conflicts of interest the recommended candidates for key oversight positions. Procedures are being developed for requesting financial disclosures from recommended candidates, in order to identify and manage any potential conflicts of interest.

16. Upon request, the Office continued to support corporate policy and data-gathering initiatives. The Office provided its views on the integrity aspects of the one-time review related to contractual reform and to the verification of educational degrees. It was also consulted on the 2010 Global Staff Survey and the Product and Services Survey.

Communication activities

17. As reported in 2009, the Ethics Office has been developing with the Learning Resources Centre (Office of Human Resources, Bureau of Management) a presentation regarding the assistance available to help with workplace-related issues. This animated presentation seeks to clarify the related mandates of the different offices that deal with ethics, investigation, conflict-management, legal and human resources questions. Production was completed in 2010, and the presentation is to be launched in early 2011.

18. The Ethics Office moved its website to the new UNDP platform and content management system for the Intranet: https://intranet.undp.org/unit/office/ethics/. The revamped Intranet is slated to be launched by the Office of Information and System Technology in 2011.

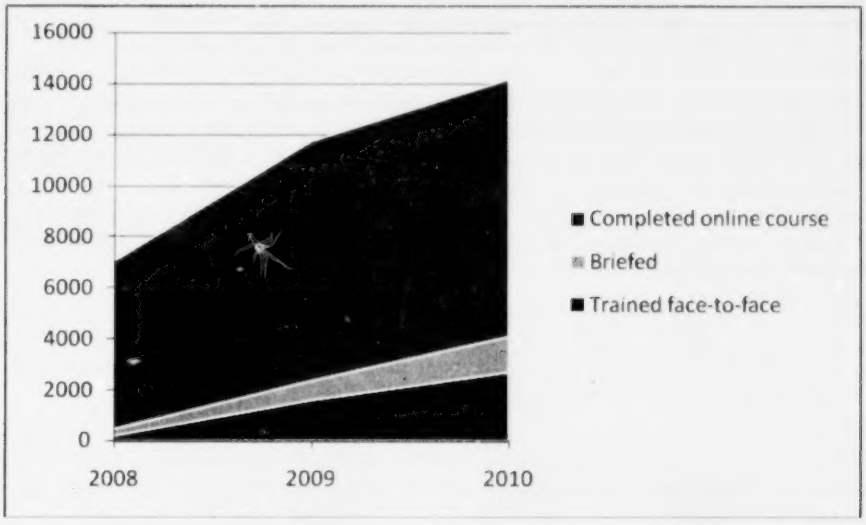
19. The current website was viewed approximately 5,700 times in 2010, compared to 3,500 times during the last six months of 2009. The proportionately smaller number may be due to the site not including the financial disclosure pages. (The Ethics Office did not monitor these web pages because they were hosted by the website of the Office of Human Resources.)

B. Training, education and outreach

20. As observed earlier, respect for core values is crucial to the work of modern international civil servants — to knowledge workers. Ethics training should also support the UNDP corporate shift towards more knowledge, advisory and communications activities. In 2010, senior management again emphasized the importance of values-based ethics training.

21. The Learning Resources Centre and the Ethics Office continued to monitor compliance with the mandatory online training and to hold regular and customized face-to-face ethics workshops. The Ethics Office has also provided ethics briefings. Figure 4 compares the cumulative numbers of participants in these three types of training activities from 2008 to 2010.

Figure 4. Comparison of the cumulative numbers of training participants[7]



Rules-based online training

22. The online course outlines the specific rules or standards of conduct expected of all UNDP personnel. More than 10,000 personnel (of whom approximately 7,000 are staff members) have completed the mandatory online course since its launch in 2008. More than 6,500 personnel completed it in 2008, and more than 9,000 by 2009.

23. At the request of the Office of Human Resources, the course has added content on relevant United Nations standards for the prevention of sexual exploitation and abuse. The Ethics Office will also include content on United Nations policies to combat gender discrimination and sexual harassment. The Office also provided input on the standards of conduct section of the online learning programme on the UNDP Legal Framework for Addressing Non-Compliance with United Nations Standards of Conduct — a programme of the Legal Support Office (Bureau of Management).

Values-based face-to-face training

24. The face-to-face workshops highlight how to navigate complex ethical dilemmas, guided by organizational values and principles of the international civil service. Such an approach assumes that UNDP personnel are familiar with United Nations standards of conduct and have internalized them. Therefore, an optimal balance of rules-based and values-based approaches needs to be employed. The workshops offer a forum to discuss the practice of workplace ethics, ethical role models and leadership, mutual trust, ethical decision-making, and managing conflicts of interest.

25. The Ethics Office and external facilitators led or co-delivered with the peer ethics trainers 53 sessions of the face-to-face ethics workshop at Headquarters and field offices. These sessions either stood alone or formed part of other training programmes and learning events organized by other offices. More than 1,000 participants benefited from these sessions. As shown in Figure 4 above, the workshops had 180 participants in 2008, cumulatively more than 1,500 in 2009 and more than 2,600 in 2010.

26. Although the Ethics Office initiated some ethics workshops, often managers or staff members who participated in briefing sessions invited the Office to provide training for their unit. The Ethics Office acknowledges the commitment of these individuals to promoting ethics and values in their workplace.

[7] The online-training-course completion numbers are based on figures provided by the Learning Resource Centre, from the Learning Management System platform. For comparison purposes, the Office used an approximate figure of 285 participants for the briefings that were held in 2008.

27. With 15 of the 53 sessions having been delivered by peer trainers, the network of peer trainers constitutes an important resource. In conjunction with the Learning Resource Centre, the Office supports the network through regular teleconferences and contacts. In all the sessions led by the peer trainers, the Ethics Office provided briefings and took questions by teleconference or Skype. The network is important to the institutionalization of the work of the Ethics Office. The peer trainers are also becoming informal focal points for ethics-related matters.

28. The network draws in staff from different regions for facilitation training. The Office conducted its third training-of-trainers exercise for six new trainers in Bangkok, in collaboration with the Regional Service Centre and the country office in Thailand. With one faciliatator trained in 2008 and 14 trained in 2009, this brought the total number of peer trainers to 21. Currently, the network comprises 19 peer trainers as two members withdrew due to professional changes.

29. At the request of the Procurement Support Office (Bureau of Management), the Ethics Office also offered two sessions on ethics and integrity in procurement at regional meetings. This workshop provides for group discussion and case studies to review ethical dilemmas faced by procurement staff. It highlights the importance of the highest ethical standards and best practices in procurement. Topics include procurement principles, potential ethical risks and risk management in the procurement cycle; best practices in managing supplier relations; UNDP policies regarding whistleblower protection, gifts and hospitality; and post-employment restrictions. The Office also worked with the UNDP Junior Professional Officer Service Centre to develop an ethics module for an induction programme.

Roles-based ethics briefings

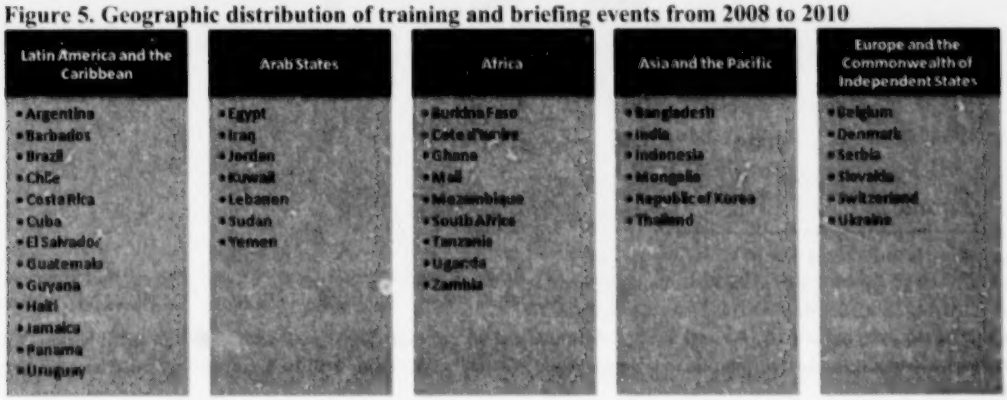
30. Ethics briefings present information on the role and work of the UNDP Ethics Office. As necessary, the briefings may be customized to emphasize specific subjects.

31. The Ethics Office staff gave 12 such briefings, in person and remotely, to more than 600 participants. As shown in Figure 4 above, the more than 280 briefing participants in 2008 cumulatively increased to around 780 in 2009 and to around 1,400 in 2010. The Office also produced a video briefing for procurement officers in English and French. In addition, the Ethics Office provided briefings at Headquarters and as part of regional human resources workshops.

32. In addition, at regional cluster meetings, the Ethics Office reminded managers of their duty to set a good example. Similarly, at the regional workshops of the Staff Council, the Office highlighted the roles and responsibilities of staff. Such reminders responded to the 2009 Report of the Ombudsman for the Funds and Programmes which highlighted issues giving rise to inter-personal conflicts in the workplace and the need for appropriate management of them.

33. The Ethics Office reaches personnel in the field through regional meetings and attempts to visit as many country offices as possible. Ethics Office staff, professional facilitators or peer ethics trainers conduct on-site workshops or briefings by video conference or Skype. In 2010, the Office reached 23 locations. Figure 5 presents a cumulative distribution of the training and outreach activities in 41 locations from 2008 to 2010.

Figure 5. Geographic distribution of training and briefing events from 2008 to 2010



34. To be more responsive and effective, ethics training should reflect the feedback received.[8] The response to the training and learning initatives has been generally positive. A tally of the workshop evaluation sheets notes that on a scale of 1 to 5 (with 5 being the highest ranking), the average ranking was around 4. In addition, a content analysis of the comments shows that staff appreciates the opportunity to discuss ethics and updated information on standards of conduct. Staff members have also requested additional and deeper learning opportunities in ethics. In addition to the participant satisfaction evaluation, the Office also monitors the Global Staff Survey results for any trends in perceptions related to ethics.

C. Advice and guidance

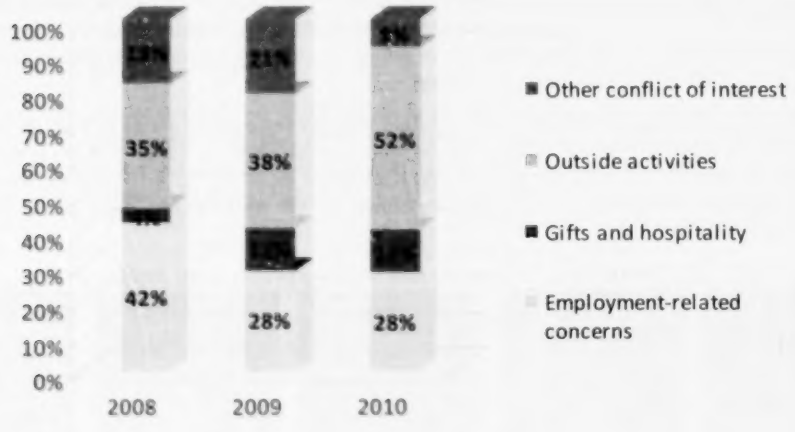
35. The value of ethics advice is risk mitigation. Through confidential advice to individual staff and managers, the Organization may pre-empt a questionable behaviour or decision. In oversight, such ex-ante interventions should reduce the emphasis on ex post controls. Better informed managers and staff, exercising discretion, allow for greater autonomy without reducing accountability.

36. Through outreach activities, the Ethics Office encourages staff to seek confidential advice. Colleagues from other offices, business advisors and human resources focal points who become aware of the advisory function also make referrals. In giving advice, the Office seeks to identify, prevent or manage actual, apparent or potential conflicts of interest to safeguard the reputation and interests of the Organization.

37. The Office received 270 requests for ethics advice. As previously shown in Figure 1 (Comparison of numbers of requests), the largest category of requests has consistently been ethics advice. In 2010, the average response time was four days (response time for more complex enquiries excepted).

38. Among the requests for advice, in 2008, the largest category was employment-related concerns at 42 per cent.[9] In 2009, the largest category shifted to outside activities at 38 per cent.[10] In 2010, the largest category continues to be outside activities, accounting for 52 per cent.

Figure 6. Comparison of requests for advice by category[11]



[8] See Executive Board decision 2010/17, paragraphs 4 and 5.

[9] See DP/2009/25: UNDP Report of the Ethics Office, figure 2.

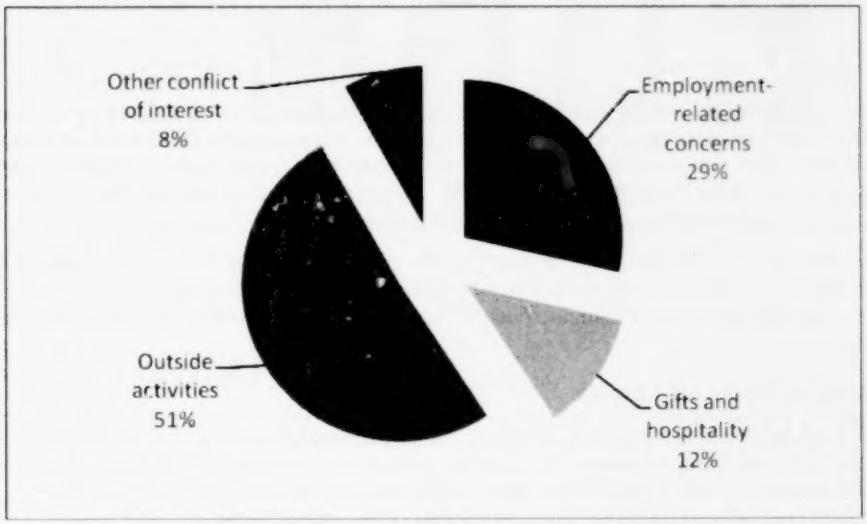
[10] See DP/2010/26: UNDP Report of the Ethics Office, figure 5.

[11] For 2008 and 2009 respectively, the total number of requests add up to 99 per cent. In each year, 1 per cent of the requests for advice concerned post-employment restrictions; these requests are not reflected in this chart. In 2010, there were no enquiries concerning post-employment restrictions.

39. As Figure 7 shows, the 270 requests for advice can be grouped as follows: outside activities (138), employment-related concerns (77), gifts and hospitality (33), and other conflicts-of-interest (22). Questions regarding outside activities concern, inter alia, outside employment, board memberships and personal publications. Questions regarding employment-related concerns range from the application of human resources policies to reports of alleged wrongdoing. Questions regarding gifts and hospitality include, inter alia, reporting procedures and unexpected honours. The other conflicts of interest questions range from personal investments to family members' activities.

40. Perhaps the large number of requests regarding outside activities is due to staff members being required to seek approval prior to playing any leadership roles in external entities or accepting outside employment. Staff members are also beginning to seek advice regarding social media. The Ethics Office reviews the requests for advice concerning potential conflicts of interest or roles, while it falls to the Office of Human Resources to authorize external activities or not, with the consent of the supervisors of staff members.

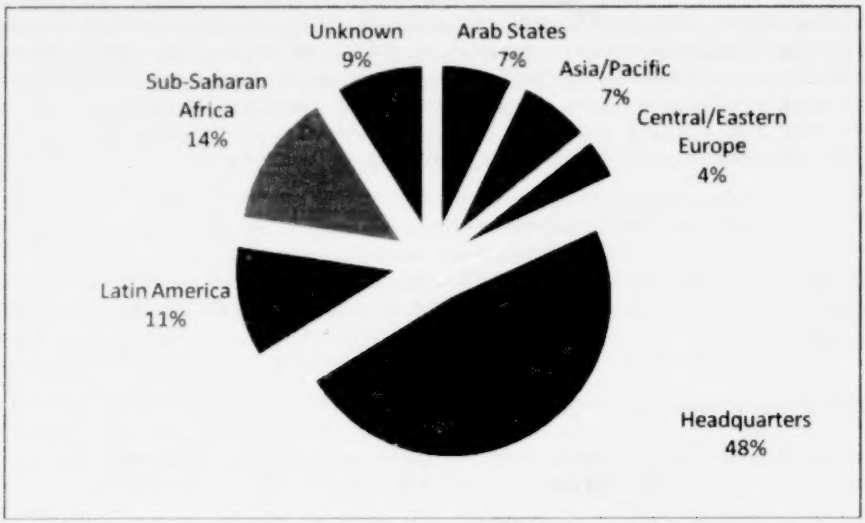
Figure 7. Requests for advice in 2010 by category



41. The requests for advice often follow ethics workshops or briefings. Although it is too early to have sufficient data, the Ethics Office has begun to look for any correlation between outreach events and requests for services.

42. Figure 8 breaks down the requests by location. Although Headquarters has the largest share with 48 per cent, human resources management and procurement staff from the country offices routinely approach the Office.

Figure 8. Geographic breakdown of requests for advice in 2010



43. Increasingly, the requests for ethics advice also concern the application of financial, procurement or staff rules. Where requests are not confidential but relate to organizational practices or administrative decisions, the Office will coordinate with concerned offices, with the requestor's consent. The Office consulted with the Legal Support Office, the Office of Human Resources and the Office of Audit and Investigations on common approaches to frequently asked questions.

44. This intra-agency coordination is in line with the recommendations of the Joint Inspection Unit which called for consultations and coordination by offices that may be called upon to give ethics-related advice.[12] Besides providing a "single window" service, such coordination also prevents shopping around for advice.

D. Financial disclosure policy

45. The financial disclosure policy is a part of the Organization's commitment to transparency and public confidence-building measures. By clearing a disclosed statement — at times after requiring remedial measures — the Ethics Office provides assurance that the filing staff member's private interests and financial dealings do not interfere with his or her official duties.

46. In 2010, the Ethics Office implemented the annual financial disclosure exercise for the 2009 transaction year, continued to review previous statements, and advised those staff who filed of any remedial measures to prevent conflicts of interest.

Financial disclosure exercise for the 2009 transaction year

47. The Ethics Office worked with the Office of Information and System Technology to conduct the fourth annual financial disclosure exercise. The exercise took place beginning on 15 March with an initial deadline of 15 April. Prior to launch, the Ethics Office consulted the Office of Human Resources and the Office of Audit and Investigations to better target the categories of staff required to file. The Office of Information System Technology changed the online filing application to allow filers to simply review previously filed data and update their information.

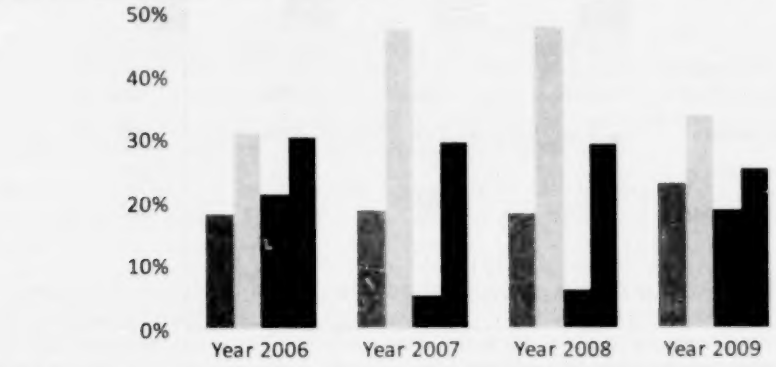
48. There was more timely compliance than for previous exercises. With 1,470 staff out of a potential 1,473 filing, there was 99 per cent compliance: a continuation of the past high levels of compliance. Through intervention of the Office of Audit and Investigations, the Office also received statements outstanding from past years.

[12] See JIU/Rep/2010/3: Ethics in the United Nations system.

49. There was a 75 per cent decrease in the number of requests for filing assistance from the previous year. This decrease may be attributable to the online improvements and to FDP focal points answering basic questions. (In the informal survey that the Ethics Office carried out among the 184 focal points, 57 per cent of the 28 respondents stated that their experience was better compared to the previous exercises; 96 per cent believed that the filers were more knowledgeable about the programme; and all of them declared they had promptly received the necessary support from the Ethics Office.)

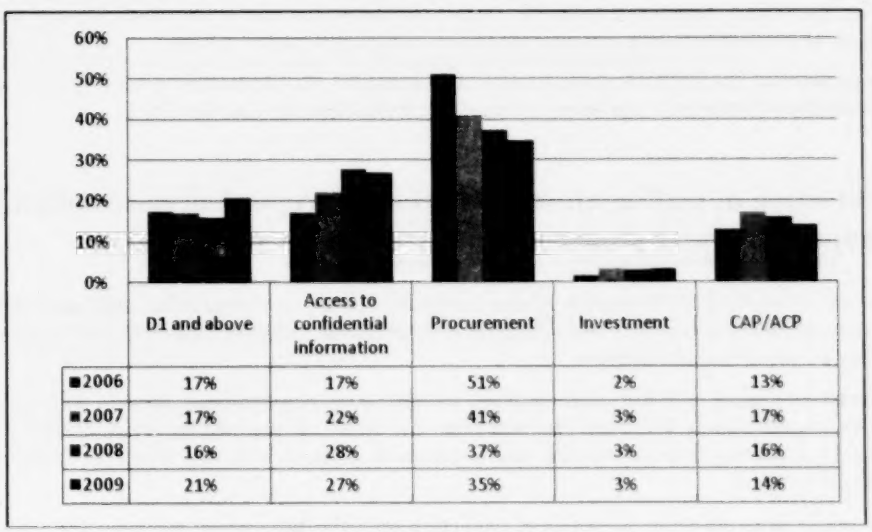
50. Figures 9, 10 and 11 below show that the filing trends reported in previous years continued in 2010.

Figure 9. Comparison of staff who filed by rank



	Year 2006	Year 2007	Year 2008	Year 2009
Senior Mgmt	18%	19%	18%	23%
Middle Mgmt	31%	47%	47%	33%
Junior Mgmt	21%	5%	6%	19%
General Service	30%	29%	29%	25%

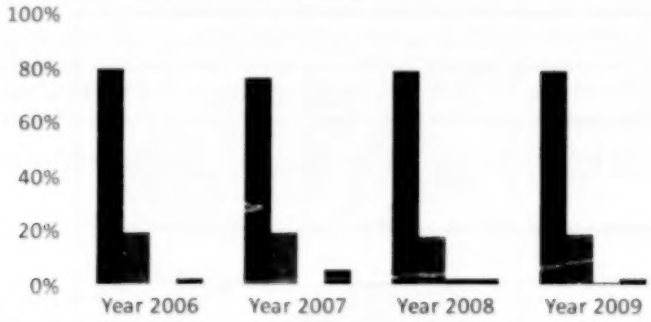
Figure 10. Comparison of staff who filed by function[13]



	D1 and above	Access to confidential information	Procurement	Investment	CAP/ACP
2006	17%	17%	51%	2%	13%
2007	17%	22%	41%	3%	17%
2008	16%	28%	37%	3%	16%
2009	21%	27%	35%	3%	14%

[13] The 2008 annual report (DP/2009/25) reported the "D1 and above" category under those with "access to confidential information" for the 2007 filing exercise. That figure and the one for the 2006 filing exercise, however, have been broken down here for comparability.

Figure 11. Comparison of staff who filed by location



	Year 2006	Year 2007	Year 2008	Year 2009
Country Office	79%	76%	78%	79%
Headquarters	19%	19%	18%	18%
Liaison Offices			2%	1%
Regional Centres	2%	5%	2%	2%

51. The Ethics Office undertook preparations with the Office of Human Resources to introduce induction filing. When implemented, staff who have been newly appointed to positions which require filing will have to submit a financial disclosure statement within 60 days of their appointment.

Review of data

52. The Office continued to review statements submitted by filers. It compared disclosed private interests against a restricted list of UNDP vendors and investment funds and relevant prohibitions or restrictions in the Staff Rules and Regulations. The Office sent out clearance memorandums to those filers whose statements were complete and in whose statements no potential conflicts of interest were detected.

FDP Advice

53. When the Office identifies a potential conflict of interest, recusal is the most common action it advises. As an awareness-raising measure, the Office also gives proactive advice.

54. To personalize the FDP advisory sessions and enhanced the programme's visibility, the Ethics Office holds face-to-face meetings whenever possible, at Headquarters and in the field.

E. Protection of staff against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations

55. The aim of the UNDP "Protection against retaliation" policy is to ensure that staff members who have a duty to report misconduct and cooperate with audits and investigations will not be prevented from doing so out of fear of retaliation.

56. If protected against such fear, staff members will feel encouraged to come forward with reports of risks to the Organization so that it can deal with them effectively. In this way, the policy ensures that the Organization functions in a transparent and accountable manner with the objective of enhancing corporate governance.

57. The policy does not cover all forms of retaliation but only those which are linked to a report of wrongdoing or cooperation with an audit or investigation. This focus is due to the shift in burden of proof once the Ethics Office determines a prima facie case. Because retaliation is extremely difficult to prove, the shift is required. Retaliation that is linked to other triggering factors, such as disagreement

with programmatic decisions or interpersonal conflicts, can be dealt with as an abuse-of-authority complaint.

58. The Office conducts a preliminary assessment of whether a complainant is entitled to protection under the policy. The assessment is based on whether the staff member engaged in a protected activity, whether retaliation or a threat of retaliation took place, and whether the protected activity seems to have been a contributing factor in causing the alleged retaliation.

59. If there is no prima facie case, the Office usually advises the staff member on how best to address the issues. If there is a prima facie case, the Office refers it to the Office of Audit and Investigations for investigation. The Office may seek interim protective measures for the complainant for the duration of the investigation.

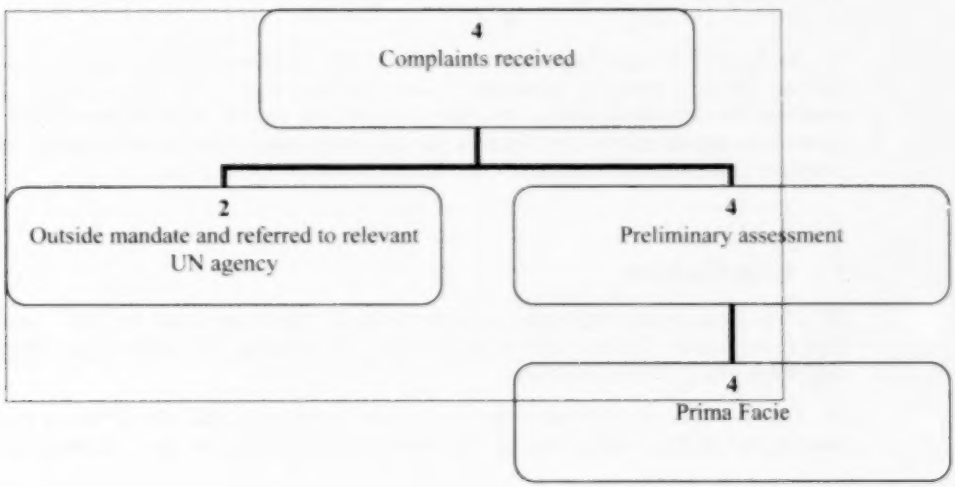
60. Upon receiving the investigation report, the Ethics Office further reviews the case and makes a determination as to whether retaliation has been proven. If retaliation has been proven, the Office makes recommendations to the Administrator for remedial measures to reverse the effects of the retaliation. The Office also forwards the case to the Legal Support Office in case disciplinary proceedings should be instituted against any staff members who have engaged in retaliation.

61. The Ethics Office uses training and outreach activities to continue to raise awareness and understanding of the policy. The Office reminds staff that they have a right to be protected from retaliation related to wrongdoing they have reported. The Office also continues to emphasize to managers the implications of the shift in the burden of proof once a prima facie case of retaliation has been established. Managers are reminded of their responsibility to uphold the highest standards and to ensure that proper administrative practices are followed.

62. As outlined in Figure 13, there were six requests for protection against retaliation. On initial assessment, two were found to be outside the mandate of the UNDP Ethics Office. The staff members were referred to the ethics office of the relevant United Nations entity. The four remaining cases warranted a preliminary assessment. In none of these instances was a prima facie case of retaliation established, however, and the staff mem,' rs were so notified.

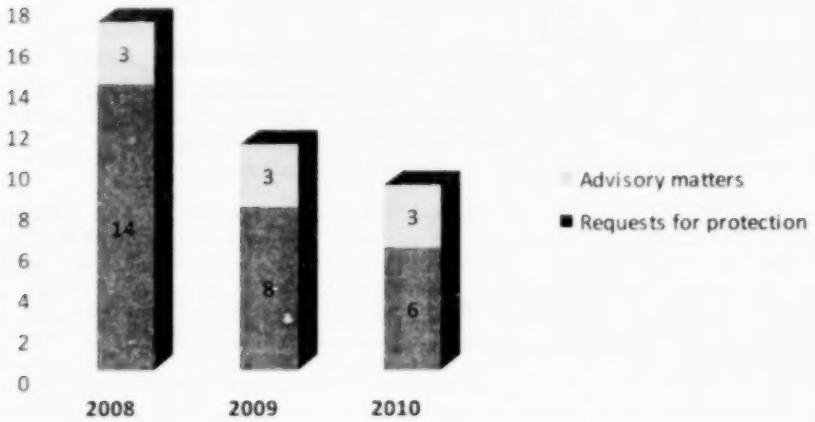
63. In addition, the Office received three requests for advice from staff members who feared retaliation. As the matters could be more properly handled by another office, the Office referred and so advised these staff members. In addition, the Office kept a watching brief and followed up periodically to prevent retaliation.

Figure 12. Overview of requests for protection against retaliation in 2010



64. As indicated in Figure 13, there has been a decrease in the number of requests for protection. This reduction may be attributed to fewer unrelated requests, resulting from training and outreach activities. In addition, with a greater emphasis on informal resolution of disputes, staff members may be relying on the Office of the United Nations Ombudsman and Mediation Services. The United Nations Ethics Office also reported a 40 per cent decrease in the requests for protection for the last reporting cycle from that of the previous reporting cycle.[14]

Figure 13. Comparison of requests for protection



65. Of the cases handled by the UNDP Ethics Office in 2009, two complainants sought a review by the Chairperson of the United Nations Ethics Committee in 2010. In both cases, after consultation with the Committee, the Chairperson upheld the determination of the Ethics Office.

66. Unlike in previous years, the majority of complaints of retaliation came from women in 2010. The Office will continue to monitor this situation to see whether this trend continues.

IV. United Nations Ethics Committee

67. As in previous reporting periods, the Ethics Office participated and hosted its share of the United Nations Ethics Committee meetings. It also participated in two United Nations Ethics Network meetings, as mentioned above. For more information on the work of the United Nations Ethics Committee, please refer to the report of the Secretary-General on the activities of the Ethics Office, presented at the sixty-fifth session of the General Assembly (A/65/343).

V. Conclusion

68. This annual report highlights the focus of Ethics Office operations for 2010: institutionalization. This focus follows that of 2009: communicating the mandate and work of the Office, and of 2008: establishing the Office's operations.

69. For the Office, institutionalization is a process by which ethical considerations permeate decision-making, both at the corporate and at individual levels. It is a process that complements the overall shift

[14] See the Report of the Secretary-General on the activities of the Ethics Office (A/65/343), paragraph 34.

in corporate direction towards a more knowledge-based organization. The continued increase in requests for services since the creation of the Office suggests that institutionalization may be taking place.

70. Since knowledge management within an organization depends on employees consulting, brokering information and fully disclosing interests, the Ethics Office also focused on advisory services and values-based and roles-based training. In a push for greater organizational flexibility and responsiveness while ensuring transparency and accountability, the Office sought the optimal mix of values-based and rules-based approaches.

71. The Ethics Office, along with other offices, reminds UNDP personnel of the need for independence and impartiality as they seek to operate in often politically fragile or unstable environments. The technical expertise of staff must be matched by professional integrity, which provides the basis for fostering public trust. The need for competence, efficiency and integrity has not changed since the drafting of the Charter of the United Nations.